

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

PRINCE A. LINTON,

Petitioner,

v.

Civil Action No. 1:04CV57
Criminal Action No. 1:97CR22
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING PETITIONER'S REQUEST TO APPEAL IN FORMA PAUPERIS

On May 24, 2007, the *pro se* petitioner, Prince A. Linton ("Linton"), filed a motion for permission to appeal *in forma pauperis*. Linton failed to file any Affidavit or Declaration in support of this motion other than his bare assertion that he wishes to have his filing and docketing fees waived in forma pauperis. Consequently, after reviewing Linton's motion and for reasons appearing to the Court, the Court **DENIES** Linton's motion to proceed *in forma pauperis* in the United States Court of Appeals for the Fourth Circuit (Docket No. 9 in 1:04CV57 and Docket No. 286 in 1:97CR22).

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner, certified mail, return receipt requested, and to transmit a copy of this Order to counsel of record and to the Clerk of the Fourth Circuit Court of Appeals.

DATED: September 19, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE